

# FIFTY-FOURTH DAY

---

THURSDAY, APRIL 17, 1997

---

## PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Patrick B. Furtaw, Pastor, Fairmont Christian Center, Pasadena, offered the invocation as follows:

Heavenly Father, Paul encourages that, first of all, supplication, prayer, intercession, and giving of thanks be made for all men, and especially those in authority, that we may lead quiet and peaceable lives. We thank You now, Father, for our distinguished Texas State Senate. Though we do not always agree with what they do, we do appreciate them and their willingness to serve. We recognize today that it is always those who are out front, active, and making the tough decisions that are the most vulnerable to the public's criticism. Please help us to be grateful for their labors and to honor the esteemed offices they hold. Bless them today, Father, and their families and help them, along with our Governor, our Lieutenant Governor, and our House of Representatives, to remember that it is the people of the State of Texas who have elected them to this work and to remind them that it is You that have enabled them to perform it. We ask now for Your wisdom to prevail over these proceedings and that as a result of today's efforts Texas will be a better place to live.

We ask this today in the strong name of Jesus. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## **CO-AUTHORS OF SENATE BILL 30**

On motion of Senator Zaffirini and by unanimous consent, Senators Shapleigh and Truan will be shown as Co-authors of **SB 30**.

**CO-AUTHOR OF SENATE BILL 987**

On motion of Senator Moncrief and by unanimous consent, Senator Shapiro will be shown as Co-author of **SB 987**.

**CO-AUTHOR OF SENATE RESOLUTION 526**

On motion of Senator Haywood and by unanimous consent, Senator Fraser will be shown as Co-author of **SR 526**.

**CO-AUTHOR OF SENATE RESOLUTION 527**

On motion of Senator Sibley and by unanimous consent, Senator Ogden will be shown as Co-author of **SR 527**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Thursday, April 17, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 588**, Relating to uniform admission and reporting procedures for institutions of higher education.

**HB 1137**, Relating to the discharge of a lien on a motor vehicle and the subsequent sale of or issuance of temporary tags for the vehicle.

**HB 1170**, Relating to certain nursing homes for purposes of professional liability insurance coverage.

**HB 1445**, Relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce; providing penalties.

**HB 1595**, Relating to the regulation of motor vehicle dealers and manufacturers.

**HB 1826**, Relating to the Department of Protective and Regulatory Services, the protection of children from abuse and neglect, and the conservatorship of children.

**HB 1836**, Relating to the interval between internal inspections of certain boilers.

**HB 2133**, Relating to the creation, powers, and duties of the State Office of Risk Management and to provisions of workers' compensation insurance coverage for state employees.

**HB 3490**, Relating to the Texas Experimental Research and Recovery Activity (TERRA) of the Railroad Commission of Texas.

**HJR 55**, Proposing a constitutional amendment relating to a deadline for supreme court action on a motion for rehearing.

**HJR 96**, Proposing a constitutional amendment to authorize the legislature to authorize an ad valorem tax of five cents for each \$100 of taxable property in rural fire prevention districts located in Harris County.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 203**

House Conferees: Staples - Chair/Alexander/Hupp/Allen/Hightower

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

**SB 11, SB 12, SB 1925, SB 1926, SB 1927, SB 1928**

#### SENATE BILL 500 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 500**, Relating to the contents of a voter registration application.

The bill was read second time.

Senator Zaffirini offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend **SB 500**, by adding a new SECTION 1, to read as follows, and renumber the remaining sections accordingly:

SECTION 1. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's mental incompetence, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county; [or]

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state; or

(6) notice from the secretary of state that a person with the same name and driver's license number or the same social security number has subsequently registered in another county in the state.

The committee amendment was read and was adopted by a viva voce vote.

Senator Zaffirini offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 500** as follows:

On page 3, line 19, amend the proposed amendment to Section 20.063(d), Election Code, at the beginning of line 19 between "correct" and "driver's" add the following:

"residence address, mailing address."

The committee amendment was read and was adopted by a viva voce vote.

Senator Zaffirini offered the following committee amendment to the bill:

**Committee Amendment No. 3**

Amend **SB 500** by deleting Sections 1 and 2.

The committee amendment was read and was adopted by a viva voce vote.

**SB 500** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Barrientos and Gallegos asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 500 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 500** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief,

Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Gallegos.

**SB 500** was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTES**

Senators Barrientos and Gallegos asked to be recorded as voting "Nay" on the final passage of the bill.

#### **CAPITOL PHYSICIAN**

Senator Patterson was recognized and presented Dr. Warren Longmire of Hitchcock, accompanied by medical student Edward Terrasson of Houston, as the "Doctor for the Day."

The Senate welcomed Dr. Longmire and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 112**

#### **COMMITTEE SUBSTITUTE SENATE BILL 877 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 877**, Relating to the regulation of the practice of dentistry.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 877 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 877** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 877** was read third time and was passed by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 753 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 753**, Relating to the liability of the operator of a railroad.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 753 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 753** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 753** was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1263 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1263**, Relating to requiring the Texas Workforce Commission, local workforce development boards and centers, and certain employers to provide tax assistance to certain individuals and families.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1263 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1263** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 1263** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1722 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1722**, Relating to municipal regulation of dangerous structures.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1722**, Section 1, Section 214.001(g), page 2, line 12, to read as follows:

"by certified mail, return receipt requested, a copy of the order"

On lines 14 through 16 delete the following:

"Deposit of the notice in the United States mail with postage paid and a proper address is prima facie evidence of the delivery of the notice to the person."

After the stricken language on page 2, line 21, insert the following:

"If a notice is mailed according to this subsection and the U.S. Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected; and the notice shall be deemed as delivered."

The committee amendment was read and was adopted by a viva voce vote.

**SB 1722** as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1722 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1722** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1722** was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 1581 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1581**, Relating to registration of and reporting by certain charitable organizations; providing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 1581**, in SECTION 4(2) of the bill (committee report, page 2, line 3), by striking "an" and substituting "a public or private".

The amendment was read and was adopted by a viva voce vote.

**SB 1581** as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1581 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1581** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1581** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 786 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 786**, Relating to the authority of pharmacists to administer immunizations and vaccinations.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 786 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 786** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 786** was read third time and was passed by a viva voce vote.

**SENATE BILL 1306 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1306**, Relating to academic testing of students in proprietary schools.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1306 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1306** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1306** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE JOINT RESOLUTION 33 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSJR 33**, Proposing a constitutional amendment relating to the dedication of the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund.

The resolution was read second time.



Senator Moncrief offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **CSSJR 33** in Section 1 of the resolution by striking proposed Section 31(b), Article I, Texas Constitution (committee printing page 1, lines 18-23), and substituting the following:

(b) Subject to legislative appropriation, money deposited to the credit of the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund from any source may be expended as provided by law only for:

(1) compensation and costs related to compensation of victims of criminal conduct; and

(2) providing services to those victims.

The amendment was read and was adopted by a viva voce vote.

**CSSJR 33** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE JOINT RESOLUTION 33 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 33** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSJR 33** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a group of students from the Shackelford Elementary School Choir of Waxahachie.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senators Madla and Luna were recognized and introduced to the Senate a group of students from Saint Philip's College of San Antonio.

The Senate welcomed its guests.

**SENATE BILL 282 REREFERRED**

On motion of Senator Haywood and by unanimous consent, **SB 282** was withdrawn from the Committee on Finance and was rereferred to the Committee on Tax Reform and Public School Finance.

**GUESTS PRESENTED**

Senator Lindsay was recognized and introduced to the Senate a delegation from Leadership Houston in North Harris County.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 987 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 987**, Relating to the use of excess money in the compensation to victims of crime fund.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 987** as follows:

(1) Insert a new SECTION 4 to the bill to read as follows:

SECTION 4. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0097 to read as follows:

Sec. 411.0097. FUGITIVE APPREHENSION ACCOUNT. The fugitive apprehension account is a special account in the general revenue fund. The legislature may appropriate funds in the account only for the purpose of paying for the cost to the department of apprehending individuals for whom warrants have been issued under Section 13, Article 42.18, Code of Criminal Procedure.

(2) Renumber existing SECTION 4 of the bill as SECTION 5 and insert a new Subsection (c) at the end of that section to read as follows:

(c) Notwithstanding Article 56.54(b), Code of Criminal Procedure, as amended by this Act, on September 1, 1997, the comptroller shall transfer \$8 million from the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure, to the fugitive apprehension account established under Section 411.0097, Government Code, as added by this Act.

(3) Renumber existing SECTION 5 of the bill accordingly.

PATTERSON  
WEST

The amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 987** as follows:

(1) Add a new Section 6 to read as follows:

"SECTION 6. Notwithstanding Article 56.54(b), Code of Criminal Procedure, as amended by this Act, on September 1, 1997, the comptroller shall transfer \$650,000 from the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure, to an account in the state treasury to be known as the DNA Testing Fund. Money in the DNA Testing Fund may be appropriated only to the University of North Texas for:

(1) the purchase of equipment and machinery, including software and hardware, the principal function of which is the testing of DNA, the processing or delivery of DNA test results, the retrieval or extraction of DNA samples, or any other laboratory DNA analysis, used in the investigation of crimes or the identification of crime victims; or

(2) the hiring of personnel for administering the DNA testing program."

(2) Renumber the other sections of the bill accordingly.

SHAPIRO  
SIBLEY

The amendment was read and was adopted by a viva voce vote.

CSSB 987 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 987 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 987 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 987 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1824 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1824, Relating to the formation of an integrated health care system by a hospital district and a medical school.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1824 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 1824 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1824 was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 920 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 920**, Relating to the regulation of certain commercial crab fishing.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 920 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 920** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 920** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 735 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 735**, Relating to the oversight of rail fixed guideway system safety.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

**Committee Amendment No. 1**

In SECTION 1 of **SB 735**, amend Sec. 455.005.(f)(1) as follows:

Delete the word "not" on page 3, line 25; and,

Delete the word "and" on page 3 line 26 and insert in lieu thereof the word "but".

The committee amendment was read and was adopted by a viva voce vote.

**SB 735** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 735 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 735** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 735** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1574 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1574**, Relating to the health care provider network of the state Medicaid program health care delivery system.

The bill was read second time.

Senator Madla offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1574** as follows:

In Section 1.01, Subsection (a), Subdivision (7), Paragraph (H) (filed version, page 4, line 26) insert "for the current Medicaid population" between "area" and ",".

The committee amendment was read and was adopted by a viva voce vote.

**SB 1574** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1574 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1574** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1574** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 30 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 30**, Relating to fraud and improper payments under the state Medicaid program and other welfare programs; to the creation of private cause of action for false claims for certain government payments; and to the creation of a criminal offense; providing penalties.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 30** as follows:

On page 2, line 67 (committee report) insert "the state to" after "for" and before ":";

On page 2, line 68 (committee report) replace "matching" with "match";

On page 3, line 4 (committee report) replace "ensuring" with "ensure".

The amendment was read and was adopted by a viva voce vote.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 30** in SECTION 1.06, Section 531.103 (committee printing, page 5, line 19), by inserting the following new Subsection (d):

"(d) The commission and the office of the attorney general shall not assess or collect investigation and attorney's fees on behalf of any state agency unless the office of the attorney general or other state agency collects a penalty, restitution, or other reimbursement payment to the state. The commission shall refer cases to the appropriate district attorney, county attorney, city attorney, or private collection agency if the office of the attorney general fails to act within 30 days of referral. A failure by the attorney general to act within 30 days constitutes approval by the attorney general under Section 2107.003. The district attorney, county attorney, city attorney, or private collection agency may collect costs associated with the case and 20 percent of the amount of the penalty, restitution, or other reimbursement payment collected."

The amendment was read and was adopted by a viva voce vote.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend CSSB 30 as follows:

On page 16, line 22 (committee report) insert "or a person who is elderly or disabled" after "age" and before ";";

On page 16, line 25 (committee report) insert "or a person who is elderly or disabled" after "age" and before ".";

On page 18, line 43 (committee report) insert "or a person who is elderly or disabled" between "age" and "may not";

On page 18, line 52 (committee report) insert "or a person who is elderly or disabled" between "age" and "may not";

On page 19, line 18 (committee report) insert "or a person who is elderly or disabled" after "age" and before ".";

On page 22, line 15 (committee report) insert "or a person who is elderly or disabled" after "age" and before ";";

On page 22, line 18 (committee report) insert "or a person who is elderly or disabled" after age and before ";".

The amendment was read and was adopted by a viva voce vote.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend CSSB 30 as follows:

(1) In SECTION 4.08 of the bill, in proposed Section 36.101(a), Human Resources Code (committee printing page 23, line 33), strike "name of the state" and substitute "name of the person and of the state".

(2) In SECTION 4.08 of the bill, strike proposed Section 36.104, Human Resources Code (committee printing page 23, lines 63-69), and substitute the following:

Sec. 36.104. CONTINUATION OR DISMISSAL OF ACTION BASED ON STATE DECISION. (a) Not later than the last day of the period prescribed by Section 36.102(b), as extended as provided by Section 36.102(d), if applicable, the state shall:

(1) proceed with the action; or

(2) notify the court that the state declines to take over the action.

(b) If the state declines to take over the action, the court shall dismiss the action.

(3) In SECTION 4.08 of the bill, strike proposed Section 36.108, Human Resources Code (committee printing page 24, lines 45-55).

(4) In SECTION 4.08 of the bill, in proposed Section 36.109, Human Resources Code (committee printing page 24, line 56), strike "36.109" and substitute "36.108".

(5) In SECTION 4.08 of the bill, in proposed Section 36.109(a), Human Resources Code (committee printing page 24, lines 56-57), strike "Regardless of whether the state proceeds with the action, on" and substitute "On".

(6) In SECTION 4.08 of the bill, in proposed Section 36.110, Human Resources Code (committee printing page 25, line 2), strike "36.110" and substitute "36.109".

(7) In SECTION 4.08 of the bill, in proposed Section 36.111, Human Resources Code (committee printing page 25, line 21), strike "36.111" and substitute "36.110".

(8) In SECTION 4.08 of the bill, strike proposed Section 36.111(c), Human Resources Code (committee printing page 25, lines 37-42).

(9) In SECTION 4.08 of the bill, in proposed Section 36.111(d), Human Resources Code (committee printing page 25, line 43), strike "(d)" and substitute "(c)".

(10) In SECTION 4.08 of the bill, in proposed Section 36.111(e), Human Resources Code (committee printing page 25, line 49), strike "(e)" and substitute "(d)".

(11) In SECTION 4.08 of the bill, in proposed Section 36.112, Human Resources Code (committee printing page 25, line 51), strike "36.112" and substitute "36.111".

(12) In SECTION 4.08 of the bill, in proposed Section 36.112(a), Human Resources Code (committee printing page 25, lines 51-52), strike "Regardless of whether the state proceeds with the action, if" and substitute "If".

(13) In SECTION 4.08 of the bill, in proposed Section 36.112(a), Human Resources Code (committee printing page 25, line 57), strike "36.111" and substitute "36.110".

(14) In SECTION 4.08 of the bill, in proposed Section 36.113, Human Resources Code (committee printing page 25, line 66) strike "36.113" and substitute "36.112".

(15) In SECTION 4.08 of the bill, in the heading to proposed Section 36.113, Human Resources Code (committee printing page 25, lines 66-67), strike "OR ACTION BROUGHT FOR PURPOSES OF HARASSMENT".

(16) In SECTION 4.08 of the bill, strike proposed Section 36.113(a), Human Resources Code (committee printing page 25, line 67-page 26, line 5).

(17) In SECTION 4.08 of the bill, in proposed Section 36.113(b), Human Resources Code (committee printing page 26, line 6), strike "(b)".

(18) In SECTION 4.08 of the bill, in proposed Section 36.114, Human Resources Code (committee printing page 26, line 8), strike "36.114" and substitute "36.113".

(19) In SECTION 4.08 of the bill, in proposed Section 36.115, Human Resources Code (committee printing page 26, line 23), strike "36.115" and substitute "36.114".

(20) In SECTION 4.08 of the bill, in proposed Section 36.116, Human Resources Code (committee printing page 26, line 26), strike "36.116" and substitute "36.115".

(21) In SECTION 4.08 of the bill, following proposed Section 36.116, Human Resources Code (committee printing page 26, between lines 41 and 42), insert the following:

Sec. 36.116. SOVEREIGN IMMUNITY NOT WAIVED. Except as provided by Section 36.112, this subchapter does not waive sovereign immunity.

OGDEN  
ZAFFIRINI  
BIVINS

The amendment was read and was adopted by a viva voce vote.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **CSSB 30** as follows:

On page 31, line 49 (committee report) strike Article 7 and renumber following sections accordingly.

The amendment was read and was adopted by a viva voce vote.

**CSSB 30** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 30 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 30** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Thursday, April 17, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**



**HCR 77**, In memory of Judge Sergio Gonzalez, Jr.

**SB 69**, Relating to the control and management of university property by the board of regents of Midwestern State University.

**SB 855**, Relating to the disposal of certain abandoned vehicles by a vehicle storage facility.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**SENATE BILL 892 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 892**, Relating to the formation of a commission to study issues relating to the consolidation of local governments.

The bill was read second time.

(Senator West in Chair)

Senator Ellis offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 892** at the end of SECTION 1 of the bill (introduced version, page 3, between lines 19 and 20), by inserting the following:

(m) The University of Texas at San Antonio shall provide the staff and support necessary to administer this Act.

The committee amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 892** in SECTION 1 of the bill by striking Subsection (h) (introduced version, page 2, lines 12 and 13) and substituting the following:

(h) The University of Texas at San Antonio shall reimburse, as provided by the General Appropriations Act, the travel expenses incurred in conducting the business of the commission by a member of the commission who is not a state official, member of the governing body of a municipality, or a member of a commissioners court.

The committee amendment was read and was adopted by a viva voce vote.

**SB 892** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Nelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 892 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 892** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

**SB 892** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Nelson asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

**SENATE BILL 433 ON SECOND READING**

Senator Lucio asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**SB 433**, Relating to the first instructional day of a school year for public school students.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up **SB 433** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Cain, Nelson, Ogden, Shapiro.

**SB 433** was read second time.

Senator Lucio offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 433** as follows:

On page 1, line 9 after "September 1.":

The Commissioner of Education shall grant exemptions upon written request by the school district.

The committee amendment was read and was adopted by a viva voce vote.

**SB 433** as amended was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTES**

Senators Nelson, Ogden, and Shapiro asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 433 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 433** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Galloway, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Fraser, Harris, Nelson, Ogden, Shapiro.

**(Senator Shapiro in Chair)**

**SB 433** was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Brown, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Cain, Harris, Nelson, Ogden, Shapiro.

#### **MOTION TO PLACE**

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 1580 ON SECOND READING**

Senator Carona asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 1580**, Relating to the regulation of plastering contractors; providing penalties.

There was objection.

Senator Carona then moved to suspend the regular order of business and take up **CSSB 1580** for consideration at this time.

The motion was lost by the following vote: Yeas 16, Nays 14. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Cain, Carona, Duncan, Ellis, Gallegos, Haywood, Lucio, Madla, Moncrief, Nelson, Patterson, Ratliff, Shapiro, Wentworth.

Nays: Bivins, Brown, Fraser, Galloway, Harris, Lindsay, Nixon, Ogden, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Absent: Luna.

#### **GUESTS PRESENTED**

Senator Madla was recognized and introduced to the Senate family members and friends of Felicitas "Ollie" Fernandez of Marfa, who died November 21, 1995.

Senator Madla also introduced to the Senate family members and friends of the Honorable Sergio Gonzalez, Jr., of Montemorelos, Mexico, who died June 9, 1995.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Lindsay was recognized and introduced to the Senate a group of fourth-grade students and their teacher from Fay Elementary School of North Harris County.

The Senate welcomed its guests.

#### **SENATE BILL 84 RECOMMITTED**

On motion of Senator Moncrief and by unanimous consent, **SB 84** was recommitted to the Committee on Health and Human Services.

**(President in Chair)**

#### **SENATE RULE 11.19 SUSPENDED (Posting Rule)**

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **SB 1915** today.

#### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.11 and Senate Rule 11.19 were suspended in order that the Committee on Health and Human Services might meet and consider **SB 84** today.

#### **SENATE RULE 11.19 SUSPENDED (Posting Rule)**

On motion of Senator Brown and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider the following bills and resolution today:

**SJR 45, SB 587, SB 1029, SB 1050, SB 1911, SB 1912**

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.11 and Senate Rule 11.19 were suspended in order that the Committee on Jurisprudence might meet and consider **SB 889** today.

**PERMISSION TO INTRODUCE BILLS**

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

**SB 1931, SB 1932, SB 1933**

**MEMORIAL RESOLUTION**

**HCR 77** - (Madla): In memory of the life of Judge Sergio Gonzalez, Jr.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**SCR 73** - by Barrientos: Honoring K. R. Wood.

**SR 525** - by Gallegos: Congratulating Rolando Gonzales Canales of Austin.

**SR 526** - by Haywood, Fraser: Congratulating Randy Lee Serrault of Abilene.

**SR 527** - by Sibley, Ogden: Commending the Midway Independent School District.

**SR 528** - by Barrientos: Welcoming Hafsat Abiola of Nigeria.

**SR 529** - by Barrientos: Congratulating Jerome Davidson.

**SR 530** - by West: Congratulating Dr. Clarence Booker Taliferro Smith of Dallas.

**SR 531** - by Truan: Congratulating Senator Judith Zaffirini, President Pro Tempore of the Texas Senate.

**MISCELLANEOUS RESOLUTION**

**SCR 72** - by Cain: Recognizing the Wesley Chapel Cemetery in Van Zandt County.

**ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:18 p.m. adjourned until 9:30 a.m. tomorrow.

---

**APPENDIX**

---

**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

April 17, 1997

CRIMINAL JUSTICE — SB 80 (Amended), SB 1676 (Amended),  
CSSB 1546

STATE AFFAIRS — CSSB 360

JURISPRUDENCE — CSSB 1253

INTERGOVERNMENTAL RELATIONS — HB 649, HB 718, HB 1296,  
HB 1424, HB 1979, SB 1391

NATURAL RESOURCES — HB 706, SB 1520

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —  
SB 1302, SB 1849, HB 1300

EDUCATION — SCR 42, SB 1040, SB 1414

STATE AFFAIRS — SB 1831, SB 1787, SB 690